

ROBERT G. DREHER  
Acting Assistant Attorney General  
Environment & Natural Resources Division  
United States Department of Justice  
LESLIE M. HILL (D.C. Bar No. 476008)  
leslie.hill@usdoj.gov  
Environmental Defense Section  
601 D Street N.W., Suite 8000  
Washington D.C. 20004  
Telephone (202) 514-0375  
Facsimile (202) 514-8865

*Attorneys for Defendant*

ROBERT UKEILEY  
Admitted Pro Hac Vice  
Law Office of Robert Ukeiley  
507 Center Street  
Berea, KY 40403  
Telephone (859) 986-5402  
rukeiley@igc.org

[additional counsel for Plaintiff listed in signature block]

*Counsel for Sierra Club*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

SIERRA CLUB,

Plaintiff,

v.

GINA McCARTHY, Administrator of the  
United States Environmental Protection  
Agency,<sup>1</sup>

Defendant.

Case No.: 3:12-cv-06472-CRB

**JOINT STATUS REPORT, REQUEST  
TO CONTINUE STAY, AND  
ORDER**

<sup>1</sup> The named defendant, Lisa P. Jackson, no longer holds the designated position.  
Pursuant to Fed. R. Civ. P. 25, the current Administrator is substituted for Ms. Jackson.

On March 29, 2013, the Court stayed “[a]ll proceedings in this matter . . . until the Supreme Court issues a opinion or otherwise terminates review” in EME Homer City Generation, L.P. v. Environmental Protection Agency, 696 F.3d 7 (D.C. Cir. 2012), rehearing en banc denied, No. 11-1302, 2013 WL 656247 (D.C. Cir. Jan. 24, 2013) (Dkt. No. 29). The Supreme Court issued an opinion in that case on April 29, 2014. Environmental Protection Agency v. EME Homer City Generation, L.P., No. 12-1182, slip. op. (U.S. Apr. 29, 2014), [http://www.supremecourt.gov/opinions/13pdf/12-1182\\_553a.pdf](http://www.supremecourt.gov/opinions/13pdf/12-1182_553a.pdf) (Ex. A). The parties are presently evaluating the impact of that opinion and therefore request that the Court continue the stay of all proceedings for 60 days.

Respectfully submitted,

Date: May 9, 2014

ROBERT G. DREHER  
Acting Assistant Attorney General  
Environment and Natural Resources Division

/s/ Leslie M. Hill  
\_\_\_\_\_  
LESLIE M. HILL (D.C. Bar No. 476008)  
U.S. Department of Justice  
Environment & Natural Resources Division  
Environmental Defense Section  
601 D Street N.W., Suite 8000  
Washington D.C. 20004  
leslie.hill@usdoj.gov  
Telephone (202) 514-0375  
Facsimile (202) 514-8865

*Attorneys for Defendant*

/s/ email authorization 5/9/14

---

ROBERT UKEILEY

Admitted Pro Hac Vice

Law Office of Robert Ukeiley

507 Center Street

Berea, KY 40403

Telephone (859) 986-5402

rukeiley@igc.org

ANDREA ISSOD (Cal. Bar No. 230920)

Sierra Club

85 Second Street, 2nd Floor

San Francisco, CA 94105

Telephone (415) 977-5544

Facsimile (415) 977-5793

andrea.issod@sierraclub.org

*Attorneys for Plaintiff*

**ORDER**

Pursuant to Stipulation and for good cause shown, all proceedings shall be stayed for an additional 60 days from the date of this Order.

DATED this 12th day of May, 2014.

